



CASCADE COUNTY COMMISSION MEETING
March 22, 2016
COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111
9:30 A.M.

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b). These minutes were officially approved at the May 10, 2016 meeting.

Present: Chairman Joe Briggs, Commissioner Jane Weber, and Commissioner Jim Larson.

Staff: Carey Ann Shannon, Kim Thiel-Schaaf, Vince Kolar, Linda Cargill, Jamie Bailey, JoVivian Jones, Bonnie Fogerty, Tina Lopez, and Brad Clark.

Public members; Bill Emerson, Linda Mettam, George Duffy, Andrew Newcomer, Lynette Scriver-Colburn, Matthew Meade, Jane Neil, Cyndie Einan, Doug Schwarz, Kay Neil, Sandi Filipowicz, Mike Witsoe, Trista Besich, and John Watts.

Proclamation: Child Abuse Prevention Month (April 1-30, 2016) "Pinwheels for Prevention" Display will be on the Courthouse lawn in April. Presented by: Exchange Club of Great Falls, the CARE Center, the Kiwanis Club of Great Falls, the Child Abuse Prevention Committee and the Dandelion Foundation. Commissioner Weber read this Proclamation (Represented by Linda Mettam and Jo-Vivian Jones)

Proclamation: National Service Recognition Day (April 5, 2016) Tina Lopez read this Proclamation (Represented by Tina Lopez, and Lynette-Scriver Colburn)

Reading of the Commissioners calendar: Bonnie Fogerty, read the weekly calendar.

Purchase orders and accounts payable warrants: Commissioner Larson made a **MOTION** to approve the purchase orders and accounts payable warrants. Approved purchase orders and accounts payable checks #260577 thru #260753 totaling \$271,342.62 dated 02/29/2016 thru 03/04/2016, purchase orders and accounts payable checks #260754 through #260930 totaling \$798,227.95 dated 03/07/2016 thru 03/11/2016. In addition, payroll checks #78674 through #78790 were issued totaling \$56,427.28 and direct deposits were made totaling \$875,804.41 for a payroll total of \$932,231.69 for the month of February 2016. **Motion carries 3-0**

Treasurer's Monthly Report - Bank Balances, Investments, Revenues and Disbursements This report was read by Jamie Bailey the Treasurer.

Consent agenda: The consent agenda is made up of routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for further discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Weber made a **MOTION** to approve minute entries dated February 29, 2016, March 2, 2016, March 8, 2016, and March 16, 2016. Also the approval of routine contracts as follows;

(B) Approval of Routine Contracts as Follows:

♦ **Board Appointment:** Ulm Fire Service Area. One (1) Vacancy, Applicant: Patrick Standley. Term Expiration Date: May 31, 2017.

♦ **Resolution 16-25:** Budget Appropriation within Risk Management for pending Insurance law suit payments which are anticipated to be more than budgeted. Total Amount: \$81,000.00

R0320045

♦ **Resolution 16-26:** Budget Appropriation within the Clerk & Recorder Department to use revenue from Elections Reimbursement revenue to pay for overtime within the Elections Department. Total Amount: \$10,000.00 R0320045

♦ **Resolution 16-27:** Budget Appropriation within the Public Works Department to transfer funds from the Capital Building Reserve Fund to Expo Park/Public Works to pay for the Four Seasons Flooring, Area #1. Total Amount: \$33,993.00 R0320043

♦ **Resolution 16-28:** Budget Appropriation within Public Works to use funds received from the Turf Club for preferred seating at Expo Park. Total Amount: \$8,000.00 R0320042

♦ **Resolution 16-29:** Short Term Investment Pool (STIP) for the Cascade County Treasurer's Office to meet the new requirements set by the Montana Board of Investments. R0320039

♦ **Resolution 16-30:** Budget Appropriation to correct a FY2016 Budget error by creating an expense line for the revenue transfer that supports the EMPG match. Total Amount: \$142,027.00 R0320041

♦ **Resolution 16-31:** Budget Appropriation within the Accounting Department to appropriate funds to correct Fair Capital Reserve support transfers that were missed on the adoption of the FY2016 Budget. Total Amount: \$43,974.00 R0320040

♦ **Contract 16-35:** MT DPHHS Contract #16-027-21005-0, Amendment No. 1 to Commodity Supplemental Food Program with Area VIII Agency on Aging. Section 5: Increased from \$3.00 per client to \$4.10 per client. (Ref Contract 15-179, R0315795)

City-County Health Department R0321323

♦ **Contract 16-36:** The Office Center Equipment Service Contract #1974 for one TASKalfa250ci copy machine at the Health Department. Effective: February 15, 2016 - February 14, 2017. Estimated Monthly Charge: \$35.00. R0320135

♦ **Contract 16-37:** The Office Center Equipment Service Contract #1951 for one Samsung SCX-5935FN copy machine at the Health Department. Effective: January 15, 2016 - January 14, 2017. Total Amount: \$240.00. R0320136

♦ **Contract 16-38:** Memorandum of Understanding between CCHD and Alliance for Youth. Purpose: Provide services on behalf of the Great Falls Early Childhood Coalition for Maternal Infant Early Childhood Home Visiting (MIECHV) Expansion Funding Contract services to support the expansion of home visiting in Cascade County by employing a part time coordinator. Reimbursable Amount up to: \$6,039.40 Effective Dates: January 1, 2016 - June 30, 2016. (Ref: Contract 15-76, Task Order Number: 16-07-5-01-085-0, R0309394).

Motion carries 3-0 R0320049

AGENDA ITEM #1

MOTION TO APPROVE/DISAPPROVE CONTRACT 16-40 CASCADE PRE-DISASTER MITIGATION PROJECT R0320048

Vince Kolar- DES Coordinator presented this contract (see consent agenda #1 dated March 22, 2016).

Commissioner Larson made a **MOTION** to accept Contract 16-40 award for Cascade County PDM plan update. Total project if \$33,332.34 of which \$24,999.00 is the federal share and \$8,333.34 is the county share. **Motion carries 3-0**

AGENDA ITEM #2

RECOMMENDATION OF (2) BOARD APPOINTMENTS OF THE CASCADE COUNTY VAUGHN WATER AND SEWER DISTRICT BOARD

Chairman Briggs presented this item by stating that the Board of County Commissioners does not have the authority to make appointments to the Cascade County Vaughn Water

and Sewer Board. However, but had asked to make a recommendation to fill two (2) vacancies. Carey Ann Shannon stated that all the interviews of possible appointees have taken place, with Commissioner Weber and Commissioner Larson conducting the interviews. Applicants interviewed were; Becky Dublelczyk, Cory Eli, Kay Neil, Betty Remsh, and Alan Whitmire.

Chairman Briggs stated that he had a family emergency as was unable to attend the interviews. He did read the interview notes of both Commissioners and previewed the applications.

Commissioner Weber requested some open discussion before the motions to allow for additional questioning of the applicant that did not occur in the interview process. She began by asking **Bill Emerson 9 Sunnyside Ave. Vaughn**, current Chairman to the Cascade County Water and Sewer Board to come to the podium. She asked what are the projects they are working on? He responded by stating that since he has been on the Board for three months they have been working on the current project of a new plant and septic system, and the construction design is to be completed in the next month. He also said that some grants are in line and that they have the blessings of DEQ and the EPA.

Andrew Newcomer 2 Railroad Square, stated that they were planning to begin construction around September 2016.

Commissioner Weber also questioned if there was a \$60.00 stipend paid to the board members monthly, it was confirmed that this was in fact true.

Commissioner Weber also asked **Ms. Kay Neil 2750 Evergreen** some questions about the two (2) lawsuits pending and asked if this would be a conflict if she were to be a board member? Ms. Neil stated that the lawsuits do not affect the matters of the Cascade County Vaughn Water and Sewer Board, and she felt her knowledge made her qualified and if there was conflict she would recuse herself. Mr. Mead her attorney stated that there was no conflict anticipated and if so she could recuse herself if necessary. There was further concern due to the fact that Ms. Neil's husband is a part of NCI Engineering which leads to questions about conflict.

Commissioner Larson had further concerns about whether Ms. Neil owns property in Vaughn. She stated that there were issues about ownership and she resigned from the Board and now the property is now separated and solely in her name.

Commissioner Weber asked about Mr. Eli whom was not present. Mr. Walker his attorney stated he would speak for him. She questioned his involvement on the Vaughn School Board if appointed to the Cascade County Vaughn Water and Sewer District. Mr. Mead stated that Mr. Eli would resign from the School Board if appointed. Commissioner Larson questioned the ownership of the RV Sewage Dump, by Mr. Eli, and Mr. Walker stated he would recuse himself from any conflicted decisions. Commissioner Larson stated he would like to see a plan from Mr. Eli to resolve this issue.

The Commission had questions for Betty Remsh, and Becky Dublelczyk, whom were not in attendance.

Chairman Briggs stated that the Commission has received a significant correspondence on this matter and requested that Carey Ann Shannon recommend what to do with the

information. Carey Ann Shannon suggested that it be made part of the record. (See Exhibit "A" a separate black binder containing documentation from the Commissioners).

Commissioner Weber requested a discussion with the other Commissioners about Ms. Neal. She mentioned that she has concerns about the interactions, and possibly many refusals necessary regarding construction due to the pending allegations. Chairman Briggs acknowledged that she had a valid concern and although Ms. Neal has good qualifications her "perception" of bias is possible. Commissioner Larson stated that in the November election Ms. Neal placed second even though voters knew of the circumstances at the time. She deserves to be seated due to the previous election. Commissioner Weber stated she was still uncomfortable. Commissioner Larson stated he was going to go with the voters on this one and is in support of Ms. Neal. Commissioner Weber stated she was in favor of supporting Becky Dublelczyk due to her experience and distance from the Board. Chairman Briggs stated he agreed and that she was on the top of the matrix chart he created.

Commissioner Weber questioned Carey Ann Shannon about appointing Mr. Eli at this time since he is currently serving on the School Board. Carey Ann Shannon stated that there would be an issue if he was on two Boards simultaneously. Commissioner Weber also mentioned the conflict of his RV Dumpsite to the Board.

Commissioner Weber made a **MOTION** to recommend Becky Dublelczyk to the Vaughn Water and Sewer District. Chairman Briggs seconded it.

Chairman Briggs opened the meeting to public comment on the previous motion.

Andy Newcomer Council for the District, stated as part of this procedure the Board has tried to find qualified applicants to serve without any conflict of interest. He stated that Ms. Dublelczyk fits the criteria in addition to being qualified with a wealth of experience.

Mr. Mead stated it concerns him that Becky Dublelczyk doesn't have direct ties to the Board and she leases her land in Vaughn concerns about her not being vested.

Doug Schwartz 940 1st Ave Vaughn, secretary/treasurer of the Board stated that Becky Dublelczyk could serve well. She is committed to seeing project completion with the lowest possible service fees, especially for the low income and elderly. He also announced that the Board needs more people to seek grants and get things done.

Motion carries 2-1

Commissioner Larson opposed.

Commissioner Weber stated that she was pleased with the way Mr. Alan Whitmire presented himself in the interview, and he did serve on the Board for three months.

Commissioner Larson questioned how Mr. Whitmire was eligible to serve on the Board when he lived outside of the district. He stated he questioned the legality of the new boundaries filed with the Secretary of State. And announced that just because a document is made part of the record it doesn't mean it's legal.

Carey Ann Shannon stated that the new boundaries adjustments that have been filed with the Secretary of State and has received confirmation which makes Mr. Whitmire eligible.

Andy Newcomer also stated that the legal descriptions and properties were sent to the Secretary of State and they have also been filed in the Clerk and Records Office. Annexation is complete, as a matter of law Mr. Whitmire is in the district.

Commissioner Larson again stated that the filed documents don't justify it being part of the law.

Chairman Briggs stated that Mr. Whitmire doesn't rank as high on my matrix as the other applicants; the next two on his list are Ms. Neal and Mr. Eli.

Commissioner Larson made a **MOTION** to recommend Cory Eli as the second applicant and Jane seconded it for discussion purposes.

Commissioner Weber was concerned about Mr. Eli having conflicts with the Board and stated she would not be voting to recommend Mr. Eli.

Commissioner Larson stated that Mr. Eli has most of the knowledge about the Water and Sewer District and that the RV Dump questions could be fixed.

Commissioner Weber respectively disagree and stated she has questions about his knowledge.

The motion was opened up to public comment by Chairman Briggs

Doug Schwartz was opposed to Mr. Eli stating that many Board members have approached Mr. Eli on the RV Dump going on for almost eleven years now. The Board put him on an advisory position on the Board to alleviate the problem of the RV dump. However, when this issue was approached Mr. Eli went to his attorney stating that there was an attack on his business. Mr. Eli has made no attempt to address this or sought out an engineering firm. He has lost each community member \$10/ month due to the additional chemicals necessary to treat the RV Dump waste. Also the new facility will not be able to accommodate the RV Dump. There has also been a letter written by the attorney notifying Mr. Eli that the EPA has issues with his RV Dump, as he is in violation. There is a definite conflict of interest in this. Also don't believe he should abandon the School Board to serve on this Board. Who's to say that he wouldn't abandon this Board.

Bill Emerson was opposed Mr. Eli. Information given to me as serving on the Board is that he inherited the business from his dad who put the system in 1996 was to have it engineered and have DEQ approve it. He did neither and put it in anyway. And the people in Vaughn they are paying extra unknowingly for his RV dump. He has not done this and the public is paying extra. The DEQ has previewed the RV dump and explained to Mr. Eli that the chemicals coming down the road was "transported waste" and the Vaughn Water and Sewer Board is only capable of servicing "resident waste". The "transported waste" is not treatable by the Vaughn Water and Sewer District. Two years ago he made a motion to shut down the RV dump and Mr. Eli agreed to work with us in solving this problem. He has

not cooperated and Bill Emerson disapprove of the recommendation to place Mr. Eli to serve on the Board.

Jake Neil 2750 Evergreen Drive who is one of the owners Glacier Gateway. I also was an engineer for the district when they were looking at the RV Dump site being a problem. One of the problems you have with a RV dump site is the chemicals used to treat the waste. They put a derivative of formaldehyde it in and it takes time to process. There is not a clear picture of the situation of the RV dumpsite; the chemicals and volume need to be taken into consideration.

Mr. Mead Attorney reminded everyone that Mr. Eli has 90 days for compliance has not yet expired. And noted that Mr. Eli has served on the School Board during a very difficult time and continues to serve the Vaughn community.

Andy Newcomer Attorney and Boards Counsel announced that the Board has gone on record as opposing Mr. Eli. being nominated for one of the vacancies. Mr. Eli has not complied with the Water and Sewer District rules and regulations.

Mr. Newcomer also disagrees with Commissioner Larson's view that Mr. Eli is in compliance that is 100% false. The Board passed new policies and regulations on February 1st and Mr. Eli business is in violation for at least 10 different reasons. This had been an ongoing issue he has a recorded meeting in February of 2007 where the entire district meeting was spent on the issues with this RV dump and how the rest of the community is forced to subsidize it. In speaking with the engineer he has never seen a water sewer district that deals with this kind of waste in a lagoon system. They are unaware or any system that processes "commercial waste" from a RV dump. Here we are almost 10 years later with the issue not been addressed yet. In 2015, a motion was made by Mr. Emerson to have Mr. Eli be required him to install pretreatment measures, to mitigate the effect of the RV waste. Mr. Eli agreed to this then decided not to do anything and obtain a lawyer, attempting to sue the District if they attempted to regulate the RV dump. There is the possibility of pending law suits from Mr. Eli and with no communication or contact from Mr. Eli the Board to come to a solution. Mr. Newcomer has stated that he has sent a letter requiring Mr. Eli to comply in 90 days in which there has been no action taken. In addition, there is documented animosity between Mr. Eli and Secretary/Treasurer Doug Schwartz which will not be beneficial for this Board to function.

Commissioner Larson apologized for stating that Mr. Eli was in compliance.

Motion to recommend Cory Eli as the second applicant.

Motion carries 2-1 Commission Weber voted against due to a conflict of interest.

Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by Today's agenda. No further comments were made.

Adjournment: Chairman Briggs adjourned this Commission meeting at 11:05 p.m.